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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1980

NO. 80-1992

IN RE
ROGER BARTH,

Appellant,

- VS -

(MORGAN M. FINLEY, Circuit Clerk),

Appellee.

JURISDICTIONAL STATEMENT

Patrick T. Murphy, Esq.
GOLDBERG & MURPHY, LTD.
33 N. LaSalle St.- 2300
Chicago, IL 60602
312/782-4530

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IN RE ROGER BARTH, - - - - - - Appellant,

- VS -

(MORGAN M. FINLEY, Circuit Clerk), - - - - - - - - - - Appellee.

QUESTION PRESENTED BY THE APPEAL

Whether an Illinois statutory scheme which prevents adult adoptees from having access to their birth and court records on the assumption that all birth parents wish to maintain anonymity is overbroad and therefore violates the right of the adult adoptee-appellant to the equal protection of the laws and to have access to important

information concerning himself.

PARTIES

The parties in interest in the Illinois Supreme Court are the Appellant, Roger Barth, and the Clerk of the Circuit Court, Morgan Finley.

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OPINION BELOW

The Opinion of the Supreme Court of Illinois is not yet reported. A copy of that Opinion is reproduced in the Appendix at pages 1 through 26. The Opinion of the Illinois Appellate Court, First District, is reported at 85 Il.App.3d 1064, 407 N.E. 2d 884 (1980). This Opinion appears in the Appendix at pages 27 through 64.

JURISDICTION

This is an appeal from an Opinion of the Illinois Supreme Court entered on 18 March 1981 which upheld the constitutionality of an Illinois statutory scheme denying adult adoptees access to their birth and court records. Jurisdiction is invoked pursuant to 28 U.S.C. 1257(2) and 2101(c).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 1:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

United States Constitution, Amendment 14 §1:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities or citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Ill. Rev. Stat. Ch. 4, §9.1-18 (1975):

"The word 'illegitimate' or the words 'born out of wedlock', or words importing such meaning, shall not be used in any adoption proceeding in any respect."

Ill. Rev. Stat. Ch. 40, par. 1522 (1977):

"Upon motion of any party of an adoption proceeding the court shall; or upon the court's own

motion the court may, order that the file relating to such proceeding shall be impounded by the clerk of the court and shall be opened for examination only upon specific order of the court, which order shall name the person or persons who are to be permitted to examine such file."

Ill. Rev. Stat. Ch. 111 1/2 §73-17 (1971):
The Vital Records Act

"(1) For a person born in this State, the State Registrar of Vital Records shall establish a new certificate of birth when he receives any of the following:

(a) A certificate of adoption as provided in Section 16 or a certified copy of the order of adoption together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

(b) A certificate of adoption or a certified copy of the order of adoption entered in a court of competent jurisdiction of any other state or country declaring adopted a child born in the State of Illinois, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

(c) A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimatized, or that the circuit court has determined

the paternity of such a person.

(d) An affidavit by a physician that he has performed an operation on a person, and that by reason of the operation the sex designation on such person's birth record should be changed. The State Registrar of Vital Records may make any investigation or require any further information he deems necessary.

Each request for a new certificate of birth shall be accompanied by a fee of $5 and entitles the applicant to one certification or certified copy of the new certificate. If the request is for additional copies, it shall be accompanied by a fee of $2 for each additional certification or certified copy.

(2) When a new certificate of birth is established, the actual place and date of birth shall be shown; provided, in the case of adoption of a person born in this State by parents who were residents of this State at the time of the birth of the adopted person, the place of birth may be shown as the place of residence of the adoptive parents at the time of such person's birth, if specifically requested by them, and any new certificate of birth established prior to the effective date of this amendatory Act may be corrected accordingly if so requested by the adoptive parents or the adopted person when of legal age. The new certificate shall be substituted for the original certificate of birth:

(a) Thereafter, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection or certification except upon order of the circuit court or as provided by regulation.

(b) Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files, and the new certificate and evidence shall not be subject to inspection or certification except upon order of the circuit court.

(3) If no certificate of birth is on file for the person for whom a new certificate is to be established under this Section, a delayed record of birth shall be filed with the State Registrar of Vital Records as provided in Section 14 or Section 15 of this Act before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed record shall not be required.

(4) When a new certificate of birth is established by the State Registrar of Vital Records, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this State shall be transmitted to the State Registrar of Vital Records as directed, and shall be sealed from inspection."

STATEMENT OF THE CASE

Since 1945 adoption records and original birth records have been sealed in Illinois. Ill. Rev. Stat. 1977, Chap. 40 § 1522. However, between 1945 and 1961 birth records were not sealed to adult adoptees. Ill. Rev. Stat., 1959, Chap. 111-1/2, § 48(a) 1. In 1961 the present statutory provisions which preclude adult adopted persons from viewing their birth records went into effect. Ill. Rev. Stat. 1961, Chap. 4 § 9.1-18; Chap. 111-1/2 §§ 73-17(2)(a), (4); In the Matter of Roger B., 85 Ill. App.3d 1064, 407 N.E.2d 884, 890 (1980), Ftnte. 7.

In 1960 the Presiding Judge of the County Division of the Circuit Court of Cook County entered a general order (pursuant to Chapter 40 § 1522) impounding all adoption files upon entry of a final adop-

tion decree. (Trial Court's Memorandum Opinion and Order, App.69).

The Appellant filed a Petition in the County Division of the Circuit Court of Cook County seeking access to his birth records arguing that adulthood was good cause. Alternatively he argued that the statute was unconstitutional if adulthood could not be read into good cause. At the hearing the Trial Court on 15 February 1979 entered a Memorandum Opinion and Order (App. pp. 65 through 83) denying Roger Barth's relief. This was affirmed by the Illinois Appellate Court (In the Matter of Roger B., Supra) with one Justice dissenting. (App. pp. 27 through 64). The Illinois Supreme Court affirmed that decision (Docket No. 53796) on 18 March 1981 (See App. pp. 1 through 26

At the hearing, the Appellant's adop-

tive mother testified of her support for him and his search efforts. (R 3-9). The position of the Appellant, Roger Barth, is best summarized by his testimony on cross-examination:

> "All right. Approximately three years ago, I began searching for a biological family. I have a family. I have a sister, I have a mother, and I had a father. That is my primary family. These are people who are related to me by blood -- the people that I am looking for are people who are related to me by blood. I know I have a mother, I presume I had a father, I might have brothers and sisters. I would like to have the opportunity to meet with these people, and perhaps find some identification with them. I by no means wish to replace my present family with them, or even put any burden -- any of my burden on them. I have a fairly satisfactory life. I am emotionally, physically, and financially comfortable. All I am seeking are people who are related to me whether the Court sees it that way or not. (R 23).
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>
> If I understand you, you are

> asking me if they, through some mediator to the Court, would say, whoever this child is that was given up for adoption twenty-nine years ago, I don't wish to see him, or have anything -- I have nothing to say to him whatever, on the basis of that, if that were their feelings, I would say yes, I would leave them alone, however, my (adoptive) mother who is in this courtroom told me that one year after my adoption, my mother, through the attorney who handled the adoption, asked about me, and I would tend to believe that would not be her reaction." (R 26).

The Appellant's sister (adopted also by his adoptive parents) testified about her own reunion. She stated that prior to the reunion she was never able to get along well with her adoptive mother, but afterwards their relationship improved. She discovered that she had eight biological brothers and sisters, several of whom she is presently close to. (R 40).

Edward Wrizk testified (R 43-57) that

he was the Director and Co-founder of the Washington Adoptees' Rights Movement and a Confidential Intermediary of the King County (Seattle, Washington) Superior Court. Mr. Wrizk testified that Judge Ackley of the King County Court set up a confidential intermediary system wherein intermediaries attempt to locate birth parents to determine if they want reunion with their adult siblings. Mr. Wrizk testified that Judge Ackley had appointed confidential intermediaries to make searches in eighty (80) cases and in sixty-six (66) of these the intermediaries were successful in finding birth parents. (R 46). Of the Sixty-six (66) birth parents contacted, sixty-five (65) consented to reunions. (R 46).

Donna Cullom testified (R 59-68) that she is the Founder and President of Yes-

terday's Children, a group of adult adoptees with a membership of approximately 12,000 (R 60). Approximately 60% of the membership are adult adoptees while the rest consist of birth parents, adoptive parents, and birth siblings. (R 60). Ms. Cullom testified that since the founding of the group in 1974, they have performed over 900 successful searches for birth relatives. (R 61). Ms. Cullom estimated that in only ten cases did the birth relative refuse reunions and in those cases the relatives were willing to give information to an intermediary. (R 62).

The Trial Court held that the records could only be opened upon a showing of good cause and adulthood was not good cause. The Court indicated that a showing of good cause would require a psychological or medical reason:

> "--the determination of 'good cause' involves the balancing of three variables: (1) the type of information sought, (2) the reason for seeking the information and (3) the risk of harm to other parties. In order to determine whether good cause has been shown it is necessary to determine these variables and balance them against each other. A showing of psychological need will not in all instances outweigh the risk of possible harm to others. A showing that little or no risk is present may mean that grave reasons for seeking information may suffice. A request for only a limited amount of information may overcome virtually all objections.--" (App.76,7)

Later the Trial Court pointed out "thus, while it is certainly inaccurate to characterize petitioner's feeling as 'simply' a desire to know, it is equally clear that the need for the information is not necessary for psychotherapeutic reasons to insure his functioning as a normal, well-adjusted human being." (App. 79). The

Illinois Supreme Court later also indicated that good cause would require a showing of medical necessity. "In this case, Plaintiff's attempt to have his adoption records released did not result from any physical or psychological medical need." (App.25).

The Trial Court went on to state that balanced against the Appellant's need and desire to review his records must be balanced the rights of other parties to the original adoption proceedings. (App. 83). Inasmuch as his only living adoptive parent, his mother, testified on behalf of the Appellant's search, the Court inferentially was referring to the birth parents. For these reasons the Trial Court refused to open the records.

THE QUESTIONS INVOLVED IN THIS APPEAL ARE SUBSTANTIAL.

INTRODUCTION

Since 1961 the Illinois statutory scheme has denied adult adoptees the right to review their adoption and birth records unless they can show medical and/or psychiatric reasons. This almost total prohibition is premised on the rather fragile theory that alleged privacy rights of birth parents must be protected. However, no effort is ever made, either at the time of adoption or thereafter, to determine if birth parents really desire this "privacy". Indeed, as is pointed out below, (see pp.18,19) recent studies and the unrebutted testimony at the hearing below indicate that the vast majority of birth parents favor the opening of adoption records and a reunion with their birth children. In the present case, for

instance, Roger Barth testified as to the reasons why he wished to review his birth and adoption records. A second member to the adoption, his only living adoptive parent, his mother, convincingly testified in support of his search (R 3-9). The Court refused to open the records despite the fact that no effort was made to determine the views of the birth parents who may have been searching for the Appellant without success for years. Indeed, his birth mother made inquiries of the Appellant a year after giving him up (R 26).

The present statutory scheme is therefore over broad inasmuch as, unless a Petitioner can show good medical reasons, it simply denies the adult adoptee access to the birth records because it presumes that all birth parents desire privacy from their natural children.

This Court should grant the appeal because of the novelty and importance of the constitutional questions present - that is, whether the present Illinois statutory scheme is an overly broad attempt to protect the privacy of those individuals* who may not wish to exercise the rights but, quite the contrary, may desire the reunion as much or more than the adopted adult, and whether the right of the adult adoptee to have access to information about himself is a fundamental constitutional right protected by the First, Ninth and Fourteenth Amendments.

* Of course, as was pointed out eloquently by Roger Barth's adopted sister, more than birth parents are involved. Many adopted children have brothers, sisters, cousins, grandparents, all of whom may desire to have a reunion with the adult adoptee.

1. The Present Illinois Statutory Scheme Is Arbitrary And Bears No Rational Relationship To A Legitimate State Objective.*

Assuming there is no fundamental right involved and that the classification is not suspect then the Illinois statutory scheme will be upheld if it is not arbitrary and there is a rational relationship to a legitimate State objective. Village

* The Appellant contends that there is a fundamental right involved and hence the State must show a compelling interest. In Point 2 below the Appellant contends that he has a constitutional right to receive information which is fundamental. Therefore, this constitutional right would, per force, insure that for equal protection analysis the State must show a compelling state interest as well. Nevertheless, it is the Appellant's position that the State cannot show even a rational relationship between the reasons set forth and the state interest involved and hence for purposes of the Jurisdictional Statement discusses only this point.

of Belle Terre v. Boraas, (416 U.S. 1, 8 (1974)). The Illinois Supreme Court advanced three reasons for the claimed rational basis. As is pointed out below the second (protecting adoptive parents) is not relevant here and the third (insuring the integrity of the adoption process) is really part of the first reason (privacy rights of birth parents).

(a) Protection of Birth Parents

The clearest indication that the Illinois statutory scheme is overly broad is that the main reliance by the state courts for upholding this scheme is that it is to protect the birth parents despite the fact that there is no evidence that, in particular, Roger Barth's birth parents wished to be protected or, in general, that birth parents wish protection. At the hearing below, Edward Wrizk testified

that he was a sworn Confidential Intermediary set up by the King County (Seattle, Washington) Superior Court. The King County Court has arranged a system wherein an intermediary searches for birth parents of a petitioning adult adoptee to make a determination whether the birth parents wish a reunion with the adult adoptee. Mr. Wrizk's testimony was that out of the 80 searches, 66 birth parents were found and of these 66, 65 wished a reunion. (R 45-47). Donna Cullom, the President of an organization of adult adoptees, testified that her group had informally and without court sanction conducted over 900 successful searches for birth relatives (R 61) and in only about 10 cases did the birth relative refuse the reunion. (R 62). This testimony is also supported by research. In one study (Sorosky, et al., "The Effects Of The Sealed Records In Adoption," 133

Am. J. Psychiatry 900 (1976)) 50 cases of adoptees who had reunited with their birth parents were studied. Of these, 41 (82%) natural parents reacted positively to the reunion compared to only 5 (10%) who displayed adverse reactions.

Of course, the Court does not have to rely upon statistics and testimony to realize that many birth parents are compelled to give up their children under cimcumstances beyond their control. Youthfulness, poverty, desertion all can play an important role in forcing a parent to give up his or her child. The fact that the parent is compelled to surrender the child does not mean that the parent loses interest in or love for his or her child. Indeed, this Court can take judicial notice of the fact that human nature is to the contrary. While it is conceiv-

able that some parents (one in the Seattle, Washington group, 5 in the Sorosky study and approximately 10 in the Yesterday's Children's informal sampling) may not desire reunion, a statute that prevents any opportunity to review birth records (and hence obtain a reunion under most circumstances) based on the fact that a small percentage (or any percentage) of birth parents may object is simply over broad. If, indeed, the statute is to protect those birth parents who wish to exercise a right of privacy there are simpler, less constraining methods of drawing or interpreting such a statute. The King County Confidential Intermediary Provision is one in which a Court apparently has read adulthood into good cause and set up precautions to protect those parties who wish to maintain privacy. A second method

would be to set a registry. If a birth parent wished a reunion, he or she could simply register with the Secretary of State under a code name. An adult adoptee could check with the Secretary of State or the Court for a determination if the birth parent desired the reunion. Moreover, rather than the present system which under most circumstances precludes the birth parents from the courtroom itself during the adoption, a judge could inform a birth parent of his or her right to file a notice with the court at any time so that the birth child could get in touch with the natural parent if he or she wished.

This Court has sparingly applied the overbreadth doctrine. "Facial overbreadth has not been invoked when a limiting construction has been or could be placed on the challenged statutes." Broadrick v.

Oklahoma, 413 U.S. 601, 613 (1973) (Citations omitted). In the instant case the Illinois Courts have refused to place a limiting construction on a statutory scheme which condones the sealing of important information to protect the rights of those who may wish not to have privacy and who have no avenue of presenting their views.*

In Bellotti v. Baird, 433 U.S. 622 (1979) this Court struck down a Massachusetts statute requiring parental or judicial consent before an abortion could be performed on any unmarried minor. The

* While the overbreadth doctrine generally has been applied to First Amendment cases (and, as such, would be applicable to Appellant's First Amendment discussion in Point 2 below), it has also been used in equal protection analysis. Eisenstadt v. Baird, 405 U.S. 438 (1973); Buckley v. Valeo, 424 U.S. 1 (1976).

statute was deemed too broad (as interpreted by the Massachusetts Supreme Court) inasmuch as it required judicial or parental consent in every case without regard to the maturity of the minor. 443 U.S. 651 and 653-6. Similarly in the present case the law is premised on the assumed privacy rights of a whole class of individuals, many and even most of whom may have absolutely no desire for the privacy.

While the Appellant's major argument is that the statute is overbroad by including both those parents who would wish that the children have the information with those parents who do not so wish, there is also a question as to whether it is even reasonable that a birth parent have State sanctioned authority to contract away rights an infant may wish to exercise 18 years after the adoption. As Mr.

Justice Rizzi of the Illinois Appellate Court pointed out in his dissent, there is no attempt to seal other records which might be equally embarassing or damaging as against the person involved, such as a divorce or annulment matters which are often described in published court opinions - 407 N.E.2d at 891; (App.53).

(b) The Protection of Adoptive Parents

Again this argument demonstrates overbreadth. In the present case the only living adoptive parent of the Appellant testified in favor of his search (R 3-9). Of course, the Appellant being an adult would seem to have the right regardless of the feelings of his adoptive parents. Once a child becomes an adult, he or she can change his religion, disown his parents, leave home or become involved in a variety

of acts which will interfer with the wishes of his or her parents and integrated family unit.

(c) Integrity of the Adoption Process

According to this argument (App.14), the continued existence of adoption is a human solution to the serious social problem of children who may become unwanted, abused or neglected. "--The public has an interest in assuring that changes in law, policy or practice will not be made which negatively effect the supply of capable adoptive parents or the willingness of biological parents to make decisions which are best for them and their children."

There is no evidence that confidentiality encourages the surrender of children for adoption. Indeed, in Illinois, prior to 1961 when there was no confiden-

tiality vis-a-vis the adopted adult, there seems to have been no problem. As Mr. Justice Rizzi pointed out in his dissenting opinion in the instant case, there were 3,345 adoptions in Cook County in 1960 and in 1978 after records had been sealed from adult adoptees for 17 years, there were only 2,089 adoptions. (407 N.E.2d at 890). Nor, of course, may the State claim a legitimate interest in encouraging women to give up their children for adoption. Roe v. Wade, 410 U.S. 113, 155 (1973). There is no rational reason to believe that individuals who would place the child up for adoption would not if the adoptee might have access to his or her

records in 18 years.* Prior to 1961 in Illinois there was no problem. Three states now, Alabama, Florida, and Kansas, along with such countries as Great Britain, Finland, and Israel have open records with no discernable problems. See In the Matter of Roger B., 407 N.E.2d at 891, Ftnte. 10; (App. 56).

* This is in reality, the same argument as "the protection of Birth Parent Argument discussed in A above. As such the same overbreath problems are inherent. As previously argued there are a variety of ways to protect those birth parents who do desire privacy.

The present Illinois statutory scheme then violates the equal protection clause inasmuch as the overly broad scheme simply assumes that every birth parent wishes privacy and based upon this denies the adult adoptees access to his or her records absent a showing of medical and/or psychiatric necessity. The purported reasons behind the statutory scheme simply bear no rational relationship to the purported State objectives.

2. The Challenged Statutory Scheme Is Unconstitutional Because It Allows The Sanctioned Sealing Of Important Biological And Familial Information From The Adult Adoptee Without A Correlative And Compelling State Purpose.

The right to seek out and obtain information irrespective of whether such information is of a personal or societal benefit has found protection within the

right of personal privacy, Carey v. Population Services, 431 U.S. 678 (1977) and in the First Amendment right to seek out information. Stanley v. Georgia, 394 U.S. 577 (1969); Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975); Red Lion Broadcasting Co. v. F.C.C., 395 U.S. 367, 390 (1969). In Griswold v. Connecticut, 381 U.S. 479 (1964), Mr. Justice Douglas, writing the Court's Opinion, pointed out that the right of freedom of speech and press, "...includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read (Citations) and freedom of inquiry, freedom of throught and freedom to teach (Citations)..." Griswold v. Connecticut, 381 U.S. 479, 482 (1964). See Generally, Haeman, Speech and Privacy, Is There A Right Not To Be Spoken To? 67 N.W.L. Rev.

153 (1972) and Note, The Adult Adoptee's Right To Know His Natural Heritage, 19 N.Y. L.F. 136 (1973); The Adult Adoptee's Constitutional Right To Know His Origins, 48 S. Cal. L. Rev. 1196, 1204-1210 (1975).

The Court has held that the right to seek out and receive information overcomes the State's interest in preventing the publishing of the name of a raped woman in the news media; Cox Broadcasting v. Cohn, 420 U.S. 469 (1975); overcomes the right of the State to prevent the showing of nude films in an outdoor theater; Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975); overcomes the right of the State to prevent door-to-door solicitation (of religious organizations); Schneider v. New Jersey, 308 U.S. 147 (1939) and overcomes the right of the State to prevent advertising of contraceptives, Carey v. Population Services, Supra.

As Mr. Justice Rizzi of the Illinois Appellate Court pointed out in his dissenting opinion:

> "The fact that we are dealing here with a fundamental right is illustrated by the questions we all have about ourselves. What are the physical characteristics to which my children may be genetically prone? What is my ancestral nationality or religious persuasion? What sufferings or endurances are in my roots? What achievements or feats can I point to with ancestral pride? Can anyone seriously deny that one's liberty to pursue these and similar questions is 'so rooted' in the traditions and conscience of our peoples' as to be ranked as fundamental'?" (Citing Griswold, 381 U.S. at 493)--
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>
> Moreover, a comparison of this right with rights that have been held to be fundamental supports the conclusion that this is a fundamental right. Examples of rights which have been held to be fundamental include a woman's right to terminate her pregnancy (Citing Roe v. Wade, 410 U.S. 113 (1973)), matters regarding procreation (Citing Skinner v. Oklahoma, 316 U.S.

> 535 (1942)), activities relating to marriage, (Citing Loving v. Virginia, 388 U.S. 1 (1967)), matters involving contraception (Citing Eisensteadt v. Baird, 405 U.S. 438 (1972)), matters of family relationship (Citing Price v. Massachusetts, 321 U.S. 158 (1944)), and child reading and education (Citing Pierce v. Society of Sisters, 268 U.S. 390 (1923)). The common element which ties these protected rights together is that they involve a private choice about one's personal life to be made by each individual without governmental interference. An adult's right to decide whether he wants to know the identify of his genetic parents is a right that is part of the same strain and contains the same common element.--" 407 N.E.2d at 869; App.47,8.

The past decade has spawned a proliferation of literature concerning the adoptee's psychological need to investigate his or her natural heritage and to obtain knowledge concerning his or her origins. Though this need remains elusive to those who have not suffered its burden, its

existence and effects have been recognized and well documented by social scientists, e.g. J. Triselotis, In Search Of Origins: The Experiences Of Adopted Children (1973); Ms. Kornitzer, Adoption And Family Life (1960); A. McWhinnie, Adopted Children - How They Grow Up (1967); Sorosky, et al., The Effects Of the Sealed Records In Adoption, 133 Am. J. Psychiatry 900 (1976); Committee on Adoption, American Academy of Pediatrics, Identity Development In Adopted Children, 47 Pediatrics 948 (1971); Cominos, Minimizing The Risk Of Adoption Through Knowledge, 16 Social Work, 78 (1971); Baran, Sorosky, and Pannor, "The Dilemma Of Our Adoptees", Psychology Today, December, 1975, 38.

The overwhelming consensus of research and commentary is that adoptees face greater difficulty with social and psycho-

gical adjustment than non-adoptees, and this difficulty often stems directly from the adopted person's lack of feeling of continuity with his or her past. Triselotis, Supra, at p. 160.

Quite often it is much more than the right to know one's identify or the identity of one's parents that is at stake. The Appellant's sister who also was adopted testified that she was able to have reunions not only with her birth parents but also with her eight biological brothers and sisters and that she became close to all of them, particularly with a sister who is her best friend. Recently, the front pages of the major newspapers carried a story concerning triplets who were separated at birth and adopted into three separate foster homes.

Even in an area as personal as the

home, the Court has held that where sensitive and important counterveiling rights are concerned, the right of privacy of the householder must give way. Hence, in Schneider v. New Jersey, 308 U.S. 147 (1939), the Court held unconstitutional an ordinance preventing door-to-door solicitation by a religious group. Cf. Rowan v. U.S. Post Office, 397 U.S. 728 (1970); Breard v. Alexandria, 341 U.S. 622 (1951) (rights of householders deemed superior over individuals engaged in commercial enterprises).

CONCLUSION

Inasmuch as the questions presented have never before been considered by this Court and inasmuch as the constitutional issues presented are substantial, the Appellant respectfully asks that this Court grant plenary consideration of the matter with

Briefs on the merits and oral argument.

Respectfully submitted,

PATRICK T. MURPHY

GOLDBERG & MURPHY, LTD.
33 N. LaSalle, Suite 2300
Chicago, IL 60602
312/782-4530